

1 RICHARD A. MARSHACK
rmarshack@marshackhays.com
2 **MARSHACK HAYS LLP**
5410 Trabuco Road, Suite 130
3 Irvine, CA 92620
Telephone: (949) 333-7777
4 Facsimile: (949) 333-7778

5 Chapter 7 Trustee

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8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

10
11 In re
12 FOUR STAR FINANCIAL SERVICES,
13 LLC,
14 Debtor.

Case No. 2:03-bk-37579-TD

Chapter 7

DECLARATION OF NON-OPPOSITION RE:
TRUSTEE'S APPLICATION TO EMPLOY
SUSMAN GODFREY L.L.P. AS SPECIAL
COUNSEL

[No Hearing Required Pursuant to Local
Bankruptcy Rules 2014-1(b)(2) and 9013-1(a)(7)]

[Order lodged concurrently herewith]

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19 I, RICHARD A. MARSHACK, declare:

20 1. I am the duly appointed, qualified and acting Chapter 7 Trustee (the
21 "Trustee") for the bankruptcy estate of Four Star Financial Services LLC (the "Debtor"). I have
22 personal knowledge of the facts set forth herein, and if called and sworn as a witness, I could and
23 would competently testify thereto.

24 2. I make this declaration in support of the Trustee's Application to Employ
25 Susman Godfrey L.L.P. as Special Counsel.

26 3. On September 18, 2009, the Chapter 7 Trustee's Application to Employ
27 Susman Godfrey L.L.P. as Trustee's Special Counsel and Declaration of Marc M. Seltzer in
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1 Support (the "Application") and the Notice of the Application (the "Notice") were filed and
2 served on creditors and parties in interest. Attached hereto as Exhibits "1" and "2" are true and
3 correct copies of the Application and Notice, respectively.

4 4. The Notice advised creditors and interested parties that objections and
5 requests for hearing on the Application were to be in writing and filed with the Clerk of the
6 Court no later than fifteen (15) days from the date of service of the Notice and that a copy was to
7 be served upon Richard A. Marshack at Marshack Hays LLP, 5410 Trabuco Road, Suite 130,
8 Irvine, CA 92620.

9 5. The time for parties to file and serve objections and requests for hearing
10 has expired. I have not been served with any objections and/or request for hearing on the
11 Application.

12 6. Based upon the foregoing, it is respectfully requested that the Court enter
13 the Order Approving the Application lodged concurrently herewith.

14 I declare under the penalty of perjury under the laws of the United States
15 of America, that the foregoing is true and correct.

16 Executed on October 7, 2009 at Irvine, California.

17 /s/ Richard A. Marshack
18 RICHARD A. MARSHACK

EXHIBIT 1

RICHARD A. MARSHACK
rmarshack@marshackhays.com
MARSHACK HAYS LLP
5410 Trabuco Road, Suite 130
Irvine, CA 92620
Telephone: (949) 333-7777
Facsimile: (949) 333-7778

Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re

FOUR STAR FINANCIAL SERVICES,
LLC,

Debtor.

Case No. 2:03-bk-37579-TD

Chapter 7

**CHAPTER 7 TRUSTEE'S APPLICATION
TO EMPLOY SUSMAN GODFREY L.L.P.
AS SPECIAL COUNSEL; DECLARATION
OF MARC M. SELTZER IN SUPPORT
THEREOF**

[No Hearing Required Pursuant to Local
Bankruptcy Rules 2014-1(b)(2) and 9013-1(a)(7)]

**TO THE HONORABLE THOMAS B. DONOVAN, UNITED STATES BANKRUPTCY
JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL OTHER
INTERESTED PARTIES:**

Richard A. Marshack, Chapter 7 Trustee (the "Trustee" or "Applicant") for the
bankruptcy estate (the "Estate") of FOUR STAR FINANCIAL SERVICES, LLC (the "Debtor"),
respectfully files this application for a Court order authorizing the employment of Susman
Godfrey L.L.P. (the "Firm") as the Trustee's special counsel ("Special Counsel") in this
bankruptcy case (the "Application"). In support of this Application, the Trustee respectfully
represents as follows:

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The case was converted to a Chapter 7 on March 18, 2004 and Richard A. Marshack was appointed Chapter 7 Trustee.

SERVICES TO BE PROVIDED

In this case, the Trustee requires the assistance of counsel in investigating possible claims that may be asserted by the Trustee on behalf of the Estate against Comerica. The Firm's initial engagement will be limited to an investigation and evaluation of the Trustee's legal claims against Comerica. The investigation will include legal research, factual investigation, and the preparation of a memorandum evaluating the Trustee's possible claims.

The Firm is comprised of attorneys who have extensive experience in both complex commercial litigation and bankruptcy litigation. The Firm is experienced in debtor/creditor matters, including the representation of trustees in bankruptcy cases. Attached as Exhibit “1” is a firm resume summarizing the Firm’s experience in debtor/creditor matters. Attached as Exhibit “2” are biographies of the three attorneys who will be primarily responsible for this engagement: Stephen D. Susman, Marc M. Seltzer, and Ryan C. Kirkpatrick.

/ / /

1 decides to prosecute claims against Comerica, Mr. Susman will request authorization from the
2 Court to appear pro hac vice.

3 The Firm and each of the members, associates, and paralegals who will work on
4 this case are familiar with bankruptcy law.

5 The Firm's current hourly billing rates are as follows:

6 Partners	\$450 to \$1,100
7 Associates	\$225 to \$450
8 Paralegals	\$80 to \$250

9 **THE FIRM IS "DISINTERESTED"**

10 To the best of the Firm's knowledge, neither the Firm, nor any of the attorneys
11 comprising or employed by it, has any connection with the Debtor, the Debtor's attorneys or
12 accountants, the Debtor's creditors, or any other outside party in interest, or their respective
13 attorneys or accountants.

14 The Firm does not have an interest adverse to the Debtor or the bankruptcy estate.
15 As of the Petition Date, the Firm was not a creditor of the estate.

16 To the best of the Firm's knowledge, none of the attorneys comprising or
17 employed by the Firm is related to any judge of the United States Bankruptcy Court for the
18 Central District of California, the United States Trustee, or any person currently employed in the
19 Office of the United States Trustee. Mr. Seltzer is married to U.S. District Court Judge Christina
20 Snyder.

21 The Firm has not queried its partners or employees to determine if any have
22 personal accounts or dealings with Comerica. The Firm does represent a real estate development
23 company in connection with a potential, unfiled claim against Comerica for breach of a loan
24 agreement. Based on Mr. Seltzer's investigation, this potential claim has no connection to the
25 claims against Comerica that the Firm is investigating on behalf of the Trustee.

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1 Based upon the Declaration of Marc M. Seltzer attached hereto, and for the
2 reasons set forth herein, Trustee believes that the Firm and its members and associates do not
3 hold or represent any interest adverse to that of Debtor's estate and said law firm is a
4 disinterested person within the meaning of 11 U.S.C. Section 101(14).

5 **COMPENSATION PROCEDURE**

6 The Firm has received no retainer for the services to be performed herein. The
7 Firm will be paid at its regular hourly rates up to a maximum of \$45,000 in fees and no more
8 than \$5,000 for costs to conduct its initial investigation. If the Trustee thereafter decides to
9 prosecute claims against Comerica, the Trustee and the Firm will seek to negotiate and execute a
10 separate fee agreement and will seek further authorization from the Court to enter into such
11 agreement. The Firm understands that its compensation in this case is subject to approval by the
12 Bankruptcy Court. In compliance with Sections 330 and 331 of the Bankruptcy Code, the Firm
13 intends to file applications for allowance of fees and reimbursement of costs as and when
14 appropriate.

15 The Firm has not shared or agreed to share any compensation to be received by it
16 in this case with any other person, except as among partners of the Firm.

17 Trustee believes the employment of Special Counsel is in the best interests of the
18 Estate and the creditors.

19 **WHEREFORE**, the Trustee requests that he be authorized to employ Susman
20 Godfrey L.L.P. as Trustee's Special Counsel on the terms and conditions set forth herein and for
21 such other and further relief as is just.

22 Dated: September 11, 2009

23 /s/ Richard A. Marshack
24 Richard A. Marshack
25 Chapter 7 Trustee for the bankruptcy estate of
26 Four Star Financial Services LLC
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1. I am an attorney at law licensed to practice in this state and admitted to practice in this Court. I am a partner of the law firm Susman Godfrey L.L.P. (the “Firm”) and maintain offices at 1901 Avenue of the Stars, Suite 950, Los Angeles, California, 90067-6029.

3. The Firm is well-qualified to render the foregoing services. The Firm is comprised of attorneys who have extensive experience in insolvency, bankruptcy and corporate reorganization as well as both complex commercial litigation and bankruptcy litigation matters of the type that may need to be pursued herein. Furthermore, the Firm is experienced in debtor/creditor matters, including the representation of trustees in bankruptcy cases. The members of the Firm have practiced in the Bankruptcy Court, and the Firm has handled many matters that can arise in the context of a bankruptcy case and I believe is well able to perform the legal services required in this case. Attached as Exhibit “1” is a firm resume summarizing the Firm’s experience in debtor/creditor matters. Attached as Exhibit “2” are biographies of the three attorneys who will be primarily responsible for this engagement: Stephen D. Susman, Marc M. Seltzer, and Ryan C. Kirkpatrick.

4. All attorneys comprising or associated with the Firm who will appear in this case are duly admitted to practice law in the courts of the State of California and in the United States District Court for the Central District of California except Mr. Susman who is not admitted in California. However, if after the initial investigation it is determined that the Trustee thereafter decides to prosecute claims against Comerica, Mr. Susman will request authorization from the Court to appear pro hac vice.

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1 5. The Firm and each of the members, associates, and paralegals who will work
2 on this case are familiar with bankruptcy law.

3 6. The Firm's current hourly billing rates are as follows:

4 Partners	\$450 to \$1,100
5 Associates	\$225 to \$450
6 Paralegals	\$80 to \$250

7 7. To the best of my knowledge, neither the Firm, nor any of the attorneys
8 comprising or employed by it, has any connection with the Debtor or its attorneys or
9 accountants, the Debtor's creditors, or any other outside party in interest, or their respective
10 attorneys or accountants. The Firm has not queried its partners or employees to determine if any
11 have personal accounts or dealings with Comerica. The Firm does represent a real estate
12 development company in connection with a potential, unfilled claim against Comerica for breach
13 of a loan agreement. Based on my investigation, this potential claim has no connection to the
14 claims against Comerica that the Firm is investigating on behalf of the Trustee.

15 8. The Firm is a "disinterested person" within the meaning of Bankruptcy Code
16 Section101(14). The Firm does not have an interest adverse to the Debtor or the bankruptcy
17 Estate. As of the Petition Date, the Firm was not a creditor of the Estate and was not owed any
18 funds by the Debtor. The Firm has no pre-petition claim against Debtor's Estate.

19 9. To the best of my knowledge, none of the attorneys comprising or employed
20 by the Firm is related to any judge of the United States Bankruptcy Court for the Central District
21 of California, the United States Trustee, or any person currently employed in the Office of the
22 United States Trustee. I am, however, married to the Honorable A. Christina Snyder, U.S.
23 District Court Judge.

24 10. The Firm has not received a retainer for the services to be performed herein.

25 11. The Firm understands that its compensation in this case is subject to approval
26 of this Court pursuant to 11 U.S.C. Sections 327, 330 and 331.

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12. The Firm has not shared or agreed to share any compensation to be received by it in the case with any other person, except as among partners of the Firm.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 17, 2009 at Los Angeles, California.


MARC M. SELTZER

EXHIBIT 1

Suite 5100
1000 Louisiana
Houston, Texas
77002-5096
(713) 651 - 9366

Suite 5100
901 Main street
Dallas, Texas
75202-3775
(214) 754 - 1900

Suite 3800
1201 third avenue
Seattle, Washington
98101-3000
(206) 516 - 3880

Suite 950
1901 Avenue of
the Stars
Los Angeles, Ca
90067-6029
(310) 789-3100

5th Floor
654 Madison
Avenue
New York, New York
10065-8440
(212) 336-8330

REPRESENTING DEBTORS AND CREDITORS IN LITIGATION

Susman Godfrey has extensive experience with bankruptcy-related litigation. We represent both debtors and creditors in claims both in bankruptcy court and in other venues. Our experience with alternative fee arrangements and, in particular, our preference for contingent fee agreements and other results-based compensation have proven attractive to bankruptcy estates seeking to maximize recovery while minimizing their own up-front expenses and risk. Below is a summary of some of our representative cases:

- Susman Godfrey was hired in August 2009, subject to bankruptcy court approval, to represent the official committee of Chrysler's unsecured creditors in pursuing claims in the U.S. Bankruptcy Court for the Southern District of New York against Daimler and four former Chrysler directors on behalf of Chrysler's estate. The proposed lawsuit seeks to recover "billions of dollars" Daimler allegedly stripped from Chrysler when it sold the company to Cerberus Capital Partners LP in 2007.
- Susman Godfrey currently represents the Official Committee of Unsecured Creditors of M. Fabrikant & Sons in pursuing fraudulent transfer claims against eight major financial institutions. The case is pending in the U.S. Bankruptcy Court for the Southern District of New York.
- Susman Godfrey represented the bankruptcy estate of Enron Corp. against ten banks and investment banks for aiding and abetting breach of fiduciary duty and fraud. Settlements to date have brought more than one billion dollars in value to the Enron estate.
- Susman Godfrey represented over ninety banks and lending institutions in connection with their claim against PricewaterhouseCoopers ("PWC"), alleging that the lenders provided a \$2.1 billion credit facility to company called Laidlaw Environmental Services Inc, later known as Safety-Kleen, in reliance on PWC audited and certified financial statements for the company. The case settled for a confidential amount two days before jury selection.

- Susman Godfrey has been retained by the bankruptcy estates of sister companies Metropolitan Mortgage & Securities and Summit Securities to pursue claims against professionals for actions that led to the financial collapse of the companies. Metropolitan and Summit's joint bankruptcy is the largest in the history of the Eastern District of Washington. Susman Godfrey represents the estate in claims against a number of third-parties, including former officers and directors, auditors, and investment firms, and has also been retained to defend Metropolitan in a claim brought by one of its subsidiaries.
- Susman Godfrey represents Ace Bermuda Insurance in a \$25 million coverage claim brought by the bankruptcy estate of Boston Chicken in bankruptcy court in Phoenix, Arizona. The case raises apparently novel issues of bankruptcy procedure, international law, and the enforcement of arbitration agreements involving a bankruptcy trustee.
- Susman Godfrey has represented the London Insurance Market in litigation regarding asbestos insurance coverage, including bankruptcy adversary proceedings regarding Dresser Industries (a Halliburton subsidiary), Babcock & Wilcox Co. (a McDermott International subsidiary), and Pittsburgh Corning Corp. (a PPG Industries subsidiary). The firm tried the Babcock & Wilcox matter to the bench for many weeks. In both the Dresser Industries and the Babcock & Wilcox matters, Susman Godfrey ultimately achieved settlements for the London Market at very large discounts from the exposed policy limits, saving the firm's clients hundreds of millions of dollars. Litigation continues in the Pittsburgh Corning matter.
- Susman Godfrey was hired by the Creditors' Committee of First Capital Holdings Company to prosecute an adversary proceeding on the debtor's behalf in the Bankruptcy Court for the Central District of California. First Capital was a holding company for life insurance companies in Virginia and California, and its bankruptcy was the second largest insurance company failure at the time. Susman Godfrey pursued breach of fiduciary duty claims against First Capital's former officers and directors and its controlling shareholder, Shearson Lehman Brothers. In addition, we litigated a fraudulent transfer claim against Shearson arising out of Shearson's sale of E.F. Hutton Insurance Group, Inc. to First Capital. This innovative claim was the subject of extensive summary judgment briefing and was tried. After some six weeks of trial, and before the Court ruled, the parties settled.
- Susman Godfrey successfully represented an electric utility debtor-in-possession, El Paso Electric Company, in its breach of contract claim against Central and South West Corporation, a utility holding company based in Dallas. This case arose out of an uncompleted merger agreement, and Susman Godfrey successfully prosecuted El Paso's claim to a \$35 million payment for CS&W's failure to conclude the merger in accordance with the contract. The case was tried to Judge Larry E. Kelley, Chief Bankruptcy Judge for the Western District of Texas, shortly after El Paso confirmed its plan of reorganization.

- The Creditors' Committee of Sunrise Systems, Inc., a computer hardware maker, hired Susman Godfrey in 1988 to pursue breach of contract and breach of the duty of good faith claims against Xerox Corporation. The dispute concerned Xerox's wrongful termination of its contract with Sunrise to develop and manufacture a laptop computer to be marketed by Xerox. After Sunrise's Chapter 11 case was converted to a Chapter 7, Susman Godfrey tried the lawsuit against Xerox in the United States District Court for the Northern District of Texas and obtained a jury verdict of \$23.3 million.

EXHIBIT 2

EXHIBIT "1"

Page 14

Stephen D. Susman Partner

Houston, Texas
Phone: 713.653.7801
Fax: 713.654.6670

New York, New York
Phone: 212.336.8331
Fax: 212.336.8340

ssusman@susmangodfrey.com*

STEPHEN D. SUSMAN, P.C., born Houston, Texas; admitted to bar, 1965, Texas; 1999, District of Columbia; 2000, New York; 2002, Colorado.



Stephen Susman is among a small group included in *The Best Lawyers in America* for 25 years and most recently, he has been recognized for two consecutive years by *Who's Who Legal: The International Who's Who of Business Lawyers* as the **2006 and 2007 Leading Commercial Litigator in the World**. *Who's Who Legal: Texas* 2007 has also acknowledged Susman in both the Commercial Litigation and Unfair Competition categories. He was featured in *The National Law Journal*'s June 5, 2006 issue as one of the nation's top 10 litigators. *Texas Monthly Magazine* has named him as one of the top 10 lawyers in Texas in 2003-2008. Susman was listed in the 2008 *Lawdragon 500 Leading Lawyers in America* with the comment: "This legendary litigator is hot when it comes to global warming suits, getting TXU reforms for 37 Texas cities and representing an Inuit tribe whose home was lost to environmental changes." Susman was also featured in a February 2008 article in the *ABA Journal* "[The G-Man- A week in the life of a \\$1,000-per hour lawyer.](#)" Jury consultant, Don Vinson, in his book, *America's Top Trial Lawyers*, ranks Susman among the 14 best trial lawyers in the United States. *International Commercial Litigation*'s worldwide poll of lawyers ranked Susman as the Litigator of the Year for 1997 and the top litigator in the United States in 1996. [\[Click here to see references, list of trials, or letters of recommendation from clients.\]](#) Susman's landmark victory as a plaintiff's attorney came in 1980 with an award of more than \$550 million to victims of a nationwide price-fixing conspiracy, the largest jury verdict of its time. He has since represented both plaintiffs and defendants such as Northrop in its suit against McDonnell Douglas over the F-18 jet fighter, Speaker Jim Wright (cover of New York Times May 24, 1989) in his ethics battle, the Hunt brothers (New York Times Magazine) in the largest lender liability case in history, and the state of Arkansas in a milk price-fixing case.

Susman represents both plaintiffs and defendants pursuant to fee arrangements that compensate him for results, not effort. In March 2005, he successfully obtained a jury verdict in an antitrust treble damage action for Masimo against Tyco in federal court in Los Angeles. Immediately prior to that, he served as lead counsel to 93 financial institutions suing PwC for errors it made in the audits of a borrower, Safety-Kleen. That case was settled the day it was scheduled to go to trial before a jury in state court in Atlanta. Susman has successfully defended Clear Channel in an

antitrust case in Miami and Little Caesar's in an antitrust case in Detroit. Other former clients include: Medtronic, Ericsson, Hughes Electronics, Northrop, Decker Coal, and Amerisource Bergen. In 1999, he successfully tried the longest civil jury trial ever held in Detroit, Michigan, and was co-lead counsel in the Vitamins Antitrust case that settled for over \$1 billion. In 2000, he successfully settled a mammoth antitrust case against Microsoft on the eve of trial in Salt Lake City. Susman is currently representing the plaintiffs in numerous patent infringement cases and two monopolization cases, one in New York and one in Kentucky.

Susman has recently become a pioneer in global warming litigation. He has completed a successful representation of a coalition of 37 Texas cities opposing the permitting of coal-fired electric generating plants by TXU. This case garnered Susman Godfrey the [*National Law Journal's 2008 Pro Bono Award*](#) as well as being featured in Robert Redford's Sundance Preserve documentary *Fighting Goliath – Texas Coal Wars*. The new purchasers of TXU have agreed to suspend all the permit application that Susman was opposing. The Mayor of Dallas had this to say about Susman's efforts: "Without Susman Godfrey, we would never have gotten the result that we did, with TXU withdrawing permit applications, for all eight units that the coalition challenged. The aggressive, relentless, and comprehensive legal work that was done on this case in record time caused TXU to have to rethink its environmentally unfriendly plan. What Steve Susman and his team did will be remembered by the utility industry for a long time to come: people in this country will no longer accept the construction of dirty, old-technology, coal-fired power plants. Not even in Texas. Susman taught a Climate Change Litigation course at the University of Houston Law School and has frequently lectured on the subject for the ABA, BNA, University of Texas and Stanford. He is currently counsel to an Inuit tribe that has lost its home because of global warming. View [Houston Business Journal](#) article regarding the Kivalina suit against 24 energy companies in global warming litigation.

A native Houstonian from a highly respected family of lawyers, Susman worked his way through Yale University, graduating magna cum laude. Returning to his home state and the University of Texas Law School, he was Editor-in-Chief of the Law Review and graduated first in his class, with the highest grade point average in the school's history.

After serving as law clerk to The Honorable John R. Brown of the Fifth Circuit Court of Appeals, Susman clerked for the United States Supreme Court. A recent biography of then Justice Hugo Black states that Susman was the first law clerk whom Black trusted to draft opinions for him. In his early career path, Susman joined a large Houston firm and became a partner, took a year's leave of absence to teach law at the University of Texas, and hit on the magic niche that led to a new style of law practice representing plaintiffs in complex commercial disputes. In 1980, he founded Susman Godfrey, the first firm in this part of the country to limit its specialty to commercial litigation. Susman Godfrey more than 80 lawyers in offices in Houston, Dallas, Seattle, Los Angeles, and New York. In 2005, the firm was chosen by the *American Lawyer* as one of the top two litigation boutiques in the country.

As further testimony to Susman's affecting style, in 1994, four of the best trial lawyers in the country were selected to compete in the "Best of the Best Shoot-Out" at the Litigation Section of the American Bar Association's annual meeting. After final arguments by each top lawyer, the 30-person jury voted unanimously for Susman as the most persuasive. Susman has also been portrayed in John Jenkins' best seller, *The Litigators*, and in 1995, *Texas Lawyer* placed him among the ten "whose actions had the greatest impact on the Texas legal profession from 1985 to 1995." *Business Week* has called him "a lion of the Texas Bar"; *Town & Country*, "the Houston courtroom gladiator best known nationally"; the *Houston Business Journal*, "the reigning prince of Houston business litigators."

Although the stakes are high and the challenges immense in his private practice, that doesn't stop Susman from tirelessly pursuing issues of justice and reform. Teaching lawyers around the world effective advocacy, instituting reforms in the civil justice system, and through ABA Task Forces on which he serves, improving jury comprehension, streamlining class actions, and

promoting efficient trials are top priorities in his dedication to law. Currently chairman of the Discovery Subcommittee of the Texas Supreme Court's Advisory Committee, Susman has been instrumental in discovery rule revision, tantamount to making trials quicker and less expensive. A board-certified civil trial specialist, Susman is a member of the American Board of Trial Advocates.

EDUCATION

- Yale University (B.A., *magna cum laude*, 1962)
- University of Texas (J.D., with highest honors, 1965)

HONORS & DISTINCTIONS

- Fraternities: Phi Delta Phi; Order of the Coif; Chancellors, Grand Chancellor; Phi Kappa Phi
- Friars Society
- Editor-in-Chief, *Texas Law Review*, 1964-65
- Law Clerk to The Honorable John R. Brown, United States Court of Appeals, Fifth Circuit, 1965-66
- Law Clerk to Justice Hugo L. Black, United States Supreme Court, 1966-67
- Visiting Professor of Law, University of Texas, 1975
- Special Counsel to Attorney General of Texas, 1975
- Editor: "ABA Civil Antitrust Jury Instructions" 1985
- Board Certified, Civil Trial Law, Texas Board of Legal Specialization, 1978
- University of Texas School of Law Outstanding Alumnus 2001
- Distinguished Counselor Award from the Antitrust and Business Litigation Section of the State Bar of Texas (2005)
- Recognized in *Who's Who Legal: Texas 2007* as a pre-eminent lawyer in the areas of commercial litigation and competition.
- Recognized in *Chambers Global Guide: The World's Leading Lawyers as Leader in Their Field* in 2007 & 2008.
- Recognized as a *Lawdragon 500* - Leading Lawyer in America (2006-2008)
- Recognized in *Best Lawyers* in two categories: "Bet the Company" lawyers and commercial litigation (2008).
- Recognized in *BENCHMARK Litigation Guide* as one of America's Leading Litigation Attorneys (2009)

PROFESSIONAL AFFILIATIONS

- State Bar of Texas (Chairman, Section on Antitrust and Trade Regulation, 1976-77)
- District of Columbia Bar Association
- New York Bar Association
- Colorado Bar Association
- American Bar Association, Current member of the Commission on the Impact of the Economic Crisis on the Profession and Legal Needs, Section of Antitrust Law (member of Council, 1989-91), Section of Litigation (current co-chair of the Fellows Program, current member of Trial Advisory Board and Federal Practice Task Force, former co-chair of Task Force on Training the Advocate, chairman of Task Force on Fast Track Litigation, and member of Committee to Improve Jury Comprehension), and Section of Intellectual Property
- American Law Institute
- Editorial Advisory Board, BNA Civil RICO Reporter
- Advisory Board, University of Texas School of Law's Review of Litigation
- Texas Supreme Court Advisory Committee

- Director of Texas Association of Civil Trial and Appellate Specialists
- American Board of Trial Advocates
- Director of the University of Houston Law Foundation
- Charter Member of the Institute for Responsible Dispute Resolution
- Texas Supreme Court's Task Force on Civil Litigation Improvements
- National Council of Human Rights First
- Board of Lawyers' Committee for Civil Rights under Law of Texas
- MD Anderson University Cancer Foundation Board of Visitors
- The University of Texas Health Science Center Development Board
- The University Of Texas Development Board
- American Intellectual Property Law Association
- Houston Intellectual Property Law Association
- The New York Intellectual Property Law Association
- Member, Warren Burger Society
- Board Member, American Constitution Society
- Leadership Council of the Yale School of Forestry & Environmental Studies

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Marc M. Seltzer Partner

Los Angeles, California
Phone: 310.789.3102
Fax: 310.789.3006
mseltzer@susmangodfrey.com*

MARC M. SELTZER, born Los Angeles, California; admitted to bar, 1972, California.



EDUCATION

- University of California at Berkeley (B.A., 1969)
- UCLA School of Law (1972)

PUBLICATIONS

- Co-author, California Federal Civil Rules (Matthew Bender & Co., Inc. 2005)
- Co-author, California Antitrust and Unfair Competition Law (Third 2003), published by the Antitrust and Trade Regulation Law Section, State Bar of California;
- "Choosing Between Class and Derivative Actions," published in Second Annual Institute, Class and Derivative Litigation in the 1990's - The New Frontier (Prentice Hall Law & Bus. 1991); and the same topic for the Third, Fourth, and Fifth Annual Institutes;
- "Measures of Damages in Private Actions for Violations of the Federal Securities Laws: The Basic Rules and Selected Problems," published in Securities Litigation 1990 (PLI 1990);
- Author: "Shareholders' Derivative Suits in Contests for Corporate Control," published in Securities Litigation 1986: Prosecution and Defense Strategies (PLI 1986);

PROFESSIONAL AFFILIATIONS

- Bars of the United States District Courts for the Central, Southern, Eastern, and Northern Districts of California
- Eastern District of Texas
- United States Courts of Appeals for the Fifth, Ninth, Tenth, and Eleventh Circuits
- American Bar Association (and its Business Law, Antitrust Law, Torts and Insurance Law, and Litigation Sections)
- American Law Institute
- Association of Trial Lawyers of America
- Association of Business Trial Lawyers
- Past Vice-Chair of the Executive Committee, Antitrust and Unfair Competition Law

- Section, State Bar of California
- President of the Ninth Judicial Circuit Historical Society, past President and current member of the Board of Directors of the Legal Aid Foundation of Los Angeles, member of the Board of Directors of the National Equal Justice Library, Board of Directors, Equal Justice Works, Board of Directors, American Friends of Hebrew University, Western Region
- Board of Editors of Class Action Reports
- Board of Trustees, Lawyers Committee for Civil Rights Under Law
- Selden Society

HONORS & DISTINCTIONS

- Named a "Super Lawyer" by *Southern California Law & Politics* magazine (2004-2008)
- 2004 American ORT Jurisprudence Award

Marc Seltzer has practiced law for more than thirty years in Los Angeles, California, litigating complex cases in both state and federal courts. For twenty years, he was a principal in the law firm of Corinblit & Seltzer, a Professional Corporation. Marc Seltzer's relationship with the partners of Susman Godfrey began in the late 1970's when Steve Susman and Marc Seltzer worked together on the *Corrugated Container* antitrust case. In the ensuing years, Mr. Seltzer and the lawyers of Susman Godfrey worked together on a number of cases. In February 1998, Marc Seltzer became a partner of Susman Godfrey L.L.P., and opened the firm's Los Angeles office. Since then, the office has become one of the leading litigation boutiques in Los Angeles.

Marc Seltzer concentrates his practice in the prosecution and defense of complex business law cases, including antitrust, securities, corporate and financial institution law matters.

Mr. Seltzer's involvement in nationally prominent litigation began in the mid-1970's, when he was tapped by Jack Corinblit to work on the massive *Equity Funding* securities litigation. That case consisted of more than 100 consolidated class and private action cases, and was settled in 1976 for over \$60 million, then the largest recovery ever achieved in a securities fraud class action. See *In re Equity Funding Corp. of America Securities Litigation*, 438 F. Supp. 1303 (C.D. Cal. 1977). Later, in the 1980's, Mr. Seltzer was appointed by the Los Angeles federal court to serve as sole lead counsel to represent the plaintiff class in the *ZZZZ Best* securities fraud case. The *ZZZZ Best* fraud was described by the United States Attorney for the Central District of California as "the most massive and elaborate securities fraud perpetrated on the West Coast in over a decade," harking back to the *Equity Funding* case. The case was settled for more than \$40 million and resulted in several important published decisions sustaining plaintiffs' claims. See, e.g., *In re ZZZZ Best Securities Litigation*, 864 F. Supp. 960 (C.D. Cal. 1994). More recently, Mr. Seltzer was, together with Steve Susman, part of the Susman Godfrey trial team representing approximately 90 financial institutions in a negligent misrepresentation case against one of the "Big Four" accounting firms. That case settled just prior to the commencement of trial. Among other cases Mr. Seltzer has litigated are:

Masimo v. Tyco Healthcare L.P., an antitrust case in which Marc Seltzer served as co-trial counsel for the plaintiff, together with Steve Susman, Vineet Bhatia and Steve Morrissey. The case was tried to a verdict resulting in an award of \$140 million (before trebling) in favor of the plaintiff in March 2005. A new trial has been granted as to damages. Post-trial proceedings are pending.

In re Structured Settlement Litigation, consolidated class actions brought in the Los Angeles Superior Court in which Marc Seltzer served as one of the lead counsel for the plaintiffs. The

case was settled in 2004 for approximately \$135 million.

In Motorcar Parts & Accessories Securities Litigation, fourteen consolidated securities class actions in which Marc Seltzer was appointed by the Los Angeles federal court to serve as lead counsel for the class. The case was settled for \$7.5 million in cash. See *Z-Seven Fund, Inc. v. Motorcar Parts & Accessories*, 231 F.3d 1215 (9th Cir. 2000).

In re IDB Communications Group, Inc. Securities Litigation, in which Marc Seltzer served as one of four co-lead counsel appointed by the Los Angeles federal court to represent the plaintiff class in more than twenty consolidated class action cases. The case was settled for \$75 million.

In re Taxable Municipal Bond Securities Litigation, in which four lawyers, including Marc Seltzer, served on Plaintiffs' Executive Committee, and together with plaintiffs' lead counsel, supervised and managed every aspect of the litigation. This case was a consolidated multi-district proceeding brought on behalf of defrauded purchasers of municipal bonds. The case resulted in numerous reported decisions on important recurring issues arising under the federal securities laws. See, e.g., *In re Taxable Municipal Bond Litigation*, [1993 Transfer Binder] Fed. Sec. L. Rep. (CCH) 97,742 (E.D. La. 1993). After several years of intense litigation, the case was settled for approximately \$110 million.

Financial Federation, Inc. v. Ashkenazy, in which Marc Seltzer and his co-counsel successfully defended a case brought by a savings and loan association against persons who sought to take control of the institution in a bench trial in Los Angeles federal court. See *Financial Federation, Inc. v. Ashkenazy*, [1984 Transfer Binder] Fed. Sec. L. Rep. (CCH) 91,489 (C.D. Cal. 1983).

Green v. Occidental Petroleum Corp., in which Marc Seltzer, together with co-counsel, represented plaintiffs in consolidated securities class action cases that established important precedent in the Ninth Circuit regarding the certification of plaintiff classes and the computation of damages in securities fraud cases. See *Green v. Occidental Petroleum Corp.*, 541 F.2d 1335 (9th Cir. 1976). The case was settled for \$12 million.

Wool v. Tandem Computers, Inc., a securities class action in which Marc Seltzer played a leading role. One of the notable achievements in this case was a victory for the plaintiffs in the Ninth Circuit which established important precedent concerning the measure of damages recoverable in federal securities fraud class action cases, the standard for "controlling person" liability under the federal securities laws and the requirements for pleading fraud with the particularity specified under Rule 9(b), Fed.R. Civ. P. See *Wool v. Tandem Computers, Inc.*, 818 F.2d 1433 (9th Cir. 1987). Following the issuance of the Ninth Circuit's opinion, the case was settled for \$16.5 million.

Plaine v. McCabe, a securities class action, in which Marc Seltzer argued before the Ninth Circuit, obtaining a substantial victory for plaintiffs, establishing significant precedent in the Ninth Circuit regarding the standards for liability for violations of tender offer disclosure rules under the federal securities laws. See *Plaine v. McCabe*, 797 F.2d 713 (9th Cir. 1986).

Biben v. Card, where Marc Seltzer served as co-lead counsel for plaintiffs. The plaintiffs achieved substantial pretrial victories, including establishing the validity of their claims under the federal securities laws against the director, accountant and attorney defendants in that case. See *Biben v. Card*, [1984-1985 Transfer Binder] Fed. Sec. L. Rep. (CCH) 92,010 (W.D. Mo. 1985), on *denial of motion for reconsideration*, [1984-1985 Transfer Binder] Fed. Sec. L. Rep. (CCH) 92,083 (W.D. Mo. 1985). The case settled for approximately \$12 million.

Sanwa Bank California v. Facciani, where Marc Seltzer was co-lead counsel for a class of investors in a state court securities case and a companion federal case in which settlements

totaling approximately \$26 million were obtained on behalf of defrauded investors.

In re California Indirect-Purchaser Infant Formula Antitrust Class Action Litigation was comprised of several consolidated consumer class actions brought for the alleged price-fixing of infant formula products. Marc Seltzer was appointed by the court to serve as one of two co-lead counsel for plaintiffs and the class. The case was settled for more than \$20 million.

Lilienthal v. Levi Strauss & Co., an individual minority shareholder's action for breach of fiduciary duty by the majority owners, which resulted in a judgment after trial for the plaintiff providing for a recovery in excess of \$3 million.

Small v. Sunset Park, where Marc Seltzer was counsel for a class of investors in a state court class action involving an alleged Ponzi scheme in which settlements totaling more than \$16.8 million were obtained, including \$12 million paid in settlement by a then "Big Five" accounting firm.

Schneider v. Traweek, federal and state court securities class actions in which Marc Seltzer was lead counsel for the plaintiffs. Significant victories were obtained on plaintiffs' behalf in defeating motions to dismiss and in obtaining class certification. *See Schneider v. Traweek* [1990 Transfer Binder] Fed. Sec. L. Rep. (CCH) 95,419 and 95,505 (C.D. Cal. 1990). The case was settled for approximately \$14 million.

Johnson v. Boston, where Marc Seltzer was co-lead counsel for a class of investors in a nationwide class action in state court in which approximately \$20 million in settlements were achieved for investors.

In 1972 and 1973, he was a Deputy Attorney General for the State of California specializing in criminal appellate cases. In 1985, Mr. Seltzer was elected to the membership of the American Law Institute.

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**Nothing on this web page is intended to represent that Susman Godfrey currently represents any particular clients mentioned because matters and client relationships naturally terminate from time to time.

Ryan C. Kirkpatrick Associate

Los Angeles, California
Phone: 310.789.3107
Fax: 310.789-3016
rkirkpatrick@susmangodfrey.com*

RYAN C. KIRKPATRICK - born Eugene, Oregon; admitted to bar, 2005, California.



RYAN C. KIRKPATRICK, born Eugene, Oregon; admitted to bar, 2006, California.

Mr. Kirkpatrick joined Susman Godfrey LLP as an associate in 2006. His practice focuses on complex commercial litigation, including antitrust, intellectual property, and securities. He represents plaintiffs and defendants in a range of industries in both federal and state courts. Recent matters include:

- Represented mainframe computer manufacturer Platform Solutions, Inc. (PSI) in prosecuting antitrust claims against IBM, and in defending PSI against claims of patent infringement, copyright infringement, and trade secret misappropriation brought by IBM. Mr. Kirkpatrick was also involved in coordinating PSI's prosecution of competition claims against IBM before the European Commission's Directorate General of Competition. The case, which was litigated in federal court in New York, settled on confidential terms in June 2008. As part of the settlement, PSI was acquired by IBM. The settlement was reported in the Wall Street Journal, as well as numerous technology publications.
- Argued and obtained dismissal with prejudice of fraud, unfair competition, false advertising, California Consumer Legal Remedies Act, and punitive damage claims on behalf of a major technology company in California state court. In its opinion, the Court stated that Mr. Kirkpatrick's briefing was "great," "clear," "logical," and "so well written."
- Represented a major wireless service provider in prosecuting patent infringement claims against another wireless service provider in the Eastern District of Texas. The case settled in September 2008 prior to *Markman* proceedings.
- One of two lead lawyers representing a class of investors in a securities fraud and insider trading lawsuit against Dendreon Corporation, a Seattle-based biotechnology company, and certain of its officers in the Western District of Washington. On December 6, 2008, plaintiffs defeated defendants' motion to dismiss.
- Part of Susman Godfrey trial team that represented Masimo Corporation (NASDAQ: MASI) in the damages retrial of *Masimo Corp. v. Tyco Healthcare Group L.P.*, No. CV-02-

4770-MRP (C.D. Cal.), an antitrust case involving challenges to exclusionary contracting practices in the United States market for pulse oximetry products. The retrial resulted in a \$43.5 million damage award (after trebling) to Masimo. The court also awarded over \$8 million in attorneys' fees and costs. The case is now on appeal to the United States Court of Appeals for the Ninth Circuit.

EDUCATION

- Yale University (B.A., Political Science, 2001)
- University of California, Los Angeles (J.D., Order of the Coif, 2005)

HONORS & DISTINCTIONS

- Law Clerk to the Honorable Ruggero J. Aldisert, United States Court of Appeals for the Third Circuit (2005-2006)
- Executive Editor-in-Chief, Pacific Basin Law Journal (2004-2005)

PUBLICATIONS

- "Rat Race: Insider Advice on Landing Judicial Clerkships," 110 *Penn. St. L. Rev.* 835 (2006) (co-authored with the Honorable Ruggero J. Aldisert and James R. Stevens, III)

PROFESSIONAL AFFILIATIONS

- State Bar of California
- United States District Court for the Central District of California
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Eastern District of Texas
- American Bar Association

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In re: **FOUR STAR FINANCIAL SERVICES, LLC**, Debtor(s).

CHAPTER 7

CASE NUMBER 2:03-bk-37579-TD

NOTE: When using this form to indicate service of a proposed order, DO NOT list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
5410 TRABUCO ROAD, SUITE 130
IRVINE, CA 92620

The foregoing document described as **CHAPTER 7 TRUSTEE'S APPLICATION TO EMPLOY SUSMAN GODFREY LLP AS SPECIAL COUNSEL; DECLARATION OF MARC M. SELTZER** was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **September 18, 2009** I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

_ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On **September 18, 2009** I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

The Honorable Thomas B. Donovan - via U.S. Mail U.S. Bankruptcy Court 255 E. Temple Street, Suite 1352 Los Angeles, CA 90012	
---	--

_ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, 2009, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

_ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

September 18, 2009
Date

Pamela Kraus
Type Name

/s/ Pamela Kraus
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California. January 2009	F 9013-3.1
---	-------------------

File a Motion:**2:03-bk-37579-TD Four Star Financial Services Converted** 03/23/2004

Type: bk

Chapter: 7 i

Office: 2 (Los Angeles)

Assets: y

Judge: TD

Case Flag: TRANSIN, 727OBJ,
APPEAL, DEFER**U.S. Bankruptcy Court****Central District Of California**

Notice of Electronic Filing

The following transaction was received from Richard A Marshack entered on 9/18/2009 at 10:44 AM PDT and filed on 9/18/2009

Case Name: Four Star Financial Services**Case Number:** [2:03-bk-37579-TD](#)**Document Number:** [755](#)**Docket Text:**

Application to Employ SUSMAN GODFREY L.L.P. as Trustee's Special Counsel *Declaration of Marc M. Seltzer; with Proof of Service* Filed by Trustee Richard A Marshack (Marshack, Richard)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**F:\PAM\OFFICE\Cases A-F\Four Star\Employ Special Counsel Susman Godfrey FINAL.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=1106918562 [Date=9/18/2009] [FileNumber=28296452-0] [7f2800279fd7e8946ab87560b2868787bb61e04eb05aa704435619fff0eccfeb79611dad440a4f1f861ec13a996d7f93d7b6e1aa6901a8cae9c8b4b4e274d542]]

2:03-bk-37579-TD Notice will be electronically mailed to:

A Eric Aguilera on behalf of Plaintiff Richard A Marshack Chapter 7 Trustee
eaguilera@bfka-law.com

Kyra E Andrassy on behalf of Attorney Weiland, Golden, Smiley, Wang Ekvall & Strok LLP
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Marshall J August on behalf of Plaintiff Richard A Marshack Ch 7 Trustee
maugust@frandzel.com, efiling@frandzel.com;ekidder@frandzel.com

Martin R Barash on behalf of Plaintiff Grizzly Peak Investments LLC
mbarash@ktbslaw.com

EXHIBIT "1"

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9/18/2009

James C Bastian on behalf of Plaintiff Richard A
jbastian@shbllp.com

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Lynda T Bui on behalf of Plaintiff Richard A
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Jerold Fagelbaum on behalf of Defendant Fagelbaum & Heller LLP
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Manijha Kadir on behalf of Plaintiff Richard A
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Richard A Marshack
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Richard A Marshack on behalf of Trustee Richard Marshack
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Sean A Okeefe on behalf of Defendant William Peterson
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efiling@frandzel.com, achase@frandzel.com;trobins@frandzel.com

Joel G Samuels on behalf of Creditor Suisse First Boston Mortgage Capital LLC
jsamuels@sidley.com

Michael A Scherago on behalf of Defendant Alan Sharpiro
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Leonard M Shulman on behalf of Plaintiff Richard A Marshack Chapter 7 Trustee
lshulman@shbllp.com

United States Trustee (LA)
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David Weinstein on behalf of Defendant Anthony Delfino
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Sharon Z Weiss on behalf of Defendant Anthony Delfino
sweiss@richardsonpatel.com

Miles A Woodlief on behalf of Defendant Condor Investment Corporation
mawoodlief@earthlink.net

2:03-bk-37579-TD Notice will not be electronically mailed to:

James J
100 W Broadway Ste 900
Glendale, CA 91210

A Eric Aguilera on behalf of Plaintiff Richard Marshack
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El Toro, CA 92610

Virgil E Anglin
c/o Cynthia Anglin Sheets
4338 Hayman Ave
La Canada, CA 91011

Sidley Austin on behalf of Defendant Credit Suisse First Boston Mortgage Capital LLC
555 W 5th St #400
Los Angeles, CA 90013

Shawna L Ballard on behalf of Creditor First Community Bancorp & Pacific Western Bank
Hennigan, Bennett & Dorman LLP
865 S Figueroa St
Ste 2900
Los Angeles, CA 90017

Ronald G Brown on behalf of Defendant Invicta Law Group PLLC
999 Third Avenue Ste 2525

EXHIBIT "1"

Page 28
9/18/2009

Seattle, Wa 98104

Steve Burton on behalf of Defendant Anthony Delfino
21300 Victory Blvd Ste 820
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Los Angeles, CA 90071-2901

Donald R. Clinebell on behalf of Defendant Gary Findlay
110 E. Avenida Palizada, Suite 202
P.O. Box 3808
San Clemente, CA 92674-3808

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Three Embarcadero Ctr
San Francisco, CA 94111-4067

Bloom & Csato L.c. Frandzel Robins
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10850 Wilshire Bl Suite 1150
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1960 Grand Ave Ste 1210
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Jeffrey I Golden on behalf of Plaintiff Richard Marshack, Ch 7 Tr
650 Town Center Drive Ste 1350
Costa Mesa, CA 92626

Martin B Greenbaum on behalf of Plaintiff Richard Marshack
840 Newport Center Dr Ste 720
Newport Beach, CA 92660

Arthur A Greenberg on behalf of Debtor Four Star Financial Services
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Encino, CA 91436

J D Horton on behalf of Defendant Georgina Asset Management LLC
Quinn emanuel
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Los Angeles, CA 90017

Lilianna Dydak Kaplan
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Chicago, Il 60657-3237

EXHIBIT "1"

Page 29
9/18/2009

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c/o Philip M Andrews 1 South St Ste 2600
Baltimore, MD 21202-3201

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695 Town Center Drive, Ste. 700
Costa mesa, CA 92626

Todd A Larsen on behalf of Plaintiff Richard Marshack
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Costa Mesa, CA 92626

MARSHACK HAYS LLP
5410 Trabuco Rd Ste 130
Irvine, CA 92620

Douglas H Napier
14591 N 100th Way
Scottsdale, AZ 85267

C Brent Parker on behalf of Defendant Jack Garrett
1620 - 26th St Ste 2000
Santa Monica, CA 90404

C Brent Parker on behalf of Defendant Ronald Anson
100 Wilshire Blvd Ste 1400
Santa Monica, CA 90401

Kenneth W Pritikin on behalf of Creditor Robert Pritikin
2950 Buskirk Ave Ste 300
Walnut Creek, CA 94597

Asher Rabinowitz on behalf of Defendant OMA LLC
401 E Jackson St Ste 2700
Tampa, FL 33602

Kirk Rense on behalf of Defendant Andrew Zimbaldi
3151 Airway Ave Ste A-1
Costa Mesa, CA 92626

Robert Kopple and Leslie S Klinger
,

Roger A. Lockwood Trustee
244 W 16th St
San Pedro, CA 90731

Monroe Bruce Rosenthal
1000 Blue Dun Ln

EXHIBIT "1"

Page 30
9/18/2009

PO Box 2007
Wilton, WY 83014

Leonard M Shulman on behalf of Plaintiff RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE
Shulman Hodges & Bastian LLP
26632 Towne Centre, Suite 300
Foothill Ranch, CA 92610-2808

Shulman, Hodges & Bastian LLP
26632 Towne Centre, Suite 300
Foothill Ranch, CA 92610-2808

Murray M Sinclair on behalf of Creditor Steven Wade
12121 Wilshire Blvd Ste 775
Los Angeles, CA 90025

Squar, Milner, Peterson, Miranda & Williamson LLP

,

Richard A. Torabi on behalf of Defendant Gimme A Break Productions Inc
15910 Ventura Blvd. Suite 1110
Encino, CA 91436

Beryl Weiner on behalf of Creditor Phoenix Hotel Associates
12401 Wilshire Blvd 2nd Flr
Los Angeles, CA 90025-1015

Miles Archer Woodlief on behalf of Defendant Mark Cohn
9 Bartlett St Ste 375
Andover, MA 01810

EXHIBIT 2

RICHARD A. MARSHACK
rmarshack@marshackhays.com
MARSHACK HAYS LLP
5410 Trabuco Road, Suite 130
Irvine, CA 92620
Telephone: (949) 333-7777
Facsimile: (949) 333-7778

Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re

FOUR STAR FINANCIAL SERVICES,
LLC,

Debtor.

Case No. 2:03-bk-37579-TD

Chapter 7

NOTICE OF APPLICATION BY CHAPTER 7
TRUSTEE TO EMPLOY SUSMAN GODFREY
L.L.P. AS SPECIAL COUNSEL

[No Hearing Required Pursuant to Local
Bankruptcy Rule 2014-1]

TO THE HONORABLE THOMAS B. DONOVAN, UNITED STATES BANKRUPTCY
JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL CREDITORS AND ALL
OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE that the Chapter 7 Trustee, Richard A. Marshack, (“Trustee” or “Applicant”) of the Bankruptcy Estate (“Estate”) of Four Star Financial Services, LLC (“Debtor”), has filed an application for entry of a Court Order authorizing the employment of Susman Godfrey L.L.P. (“Firm”) as the Trustee’s general counsel in this case (“Application”).

The Application is based upon this Notice, the Declaration of Marc M. Seltzer, the pleadings and files in the Debtor’s bankruptcy case, and upon such further oral and documentary evidence as may be presented to the Court.

In this case, the Trustee requires the assistance of counsel in investigating possible claims that may be asserted by the Trustee on behalf of the Estate against Comerica. The Firm’s initial engagement will be limited to an investigation and evaluation of the Trustee’s legal claims against Comerica. The investigation will include legal research, factual investigation, and the preparation of a memorandum evaluating the Trustee’s possible claims.

The complete scope and terms of the employment are detailed in the Application a copy of which can be obtained by contacting Richard A. Marshack whose contact information

1 is listed in the top left-hand corner of this Notice. The Application is based on 11 U.S.C. Section
2 327 and the Firm intends to seek compensation pursuant to 11 U.S.C. Sections 330 and 331.

3 The Firm has received no retainer for the services to be performed herein. The
4 Firm will be paid at its regular hourly rates up to a maximum of \$45,000 in fees and no more
5 than \$5,000 for costs to conduct its initial investigation. If the Trustee thereafter decides to
6 prosecute claims against Comerica, the Trustee and the Firm will seek to negotiate and execute a
7 separate fee agreement and will seek further authorization from the Court to enter into such
8 agreement. The Firm understands that its compensation in this case is subject to approval by the
9 Bankruptcy Court. In compliance with Sections 330 and 331 of the Bankruptcy Code, the Firm
10 intends to file applications for allowance of fees and reimbursement of costs as and when
11 appropriate.

12 The Firm's current hourly billing rates are as follows:

Partners	\$450 to \$1,100
Associates	\$225 to \$450
Paralegals	\$80 to \$250

13 **PLEASE TAKE FURTHER NOTICE** that any response and request for hearing
14 as to the proposed employment must be in the form as required by Local Bankruptcy Rules
15 2014-1(b) and 9013-1(f) and (o) and filed with the Clerk of the above-entitled Court no later than
16 fifteen days (15) from the date of service of this Notice, and a copy served on Richard A.
17 Marshack at the address indicated above. A copy of any response must also be served on the
18 Office of the United States Trustee, 725 S. Figueroa Street, 26th Floor, Los Angeles, California
19 90017. Failure to timely respond may be deemed as acceptance of the proposed employment.
20 See Local Bankruptcy Rules 9013-1(h).

21 Dated: September 18, 2009

22 /s/ Richard A. Marshack
23 RICHARD A. MARSHACK
24 Chapter 7 Trustee
25
26
27
28

In re: **FOUR STAR FINANCIAL SERVICES, LLC**, Debtor(s).

CHAPTER 7

CASE NUMBER 2:03-bk-37579-TD

NOTE: When using this form to indicate service of a proposed order, DO NOT list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
5410 TRABUCO ROAD, SUITE 130
IRVINE, CA 92620

The foregoing document described as **NOTICE OF CHAPTER 7 TRUSTEE'S APPLICATION TO EMPLOY SUSMAN GODFREY LLP AS SPECIAL COUNSEL** was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **September 18, 2009** I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

X Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served):

On **September 18, 2009** I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

The Honorable Thomas B. Donovan - via U.S. Mail U.S. Bankruptcy Court 255 E. Temple Street, Suite 1352 Los Angeles, CA 90012	
---	--

X Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, 2009, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

_ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

September 18, 2009

Pamela Kraus

Date

Type Name

/s/ Pamela Kraus

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California. January 2009	F 9013-3.1
---	-------------------

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”) – continued:

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File a Notice:2:03-bk-37579-TD Four Star Financial Services **Converted** 03/23/2004

Type: bk

Chapter: 7 i

Office: 2 (Los Angeles)

Assets: y

Judge: TD

Case Flag: TRANSIN, 727OBJ,
APPEAL, DEFER**U.S. Bankruptcy Court****Central District Of California**

Notice of Electronic Filing

The following transaction was received from Richard A Marshack entered on 9/18/2009 at 10:49 AM PDT and filed on 9/18/2009

Case Name: Four Star Financial Services**Case Number:** 2:03-bk-37579-TD**Document Number:** 756**Docket Text:**

Notice of motion/application *with Proof of Service* Filed by Trustee Richard A Marshack (RE: related document(s)[755] Application to Employ SUSMAN GODFREY L.L.P. as Trustee's Special Counsel *Declaration of Marc M. Seltzer; with Proof of Service* Filed by Trustee Richard A Marshack). (Marshack, Richard)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**F:\PAM\OFFICE\Cases A-F\Four Star\Employ Special Counsel Susman Notice.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=1106918562 [Date=9/18/2009] [FileNumber=28296623-0] [8765496c03ab17ee016c3fff46d630451a8a1c62152f675255e680374312a89825656007bbfe516bca27d184af97bdea06fefc64c93002ae962c940f548b8760]]

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EXHIBIT "2"

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In re: **FOUR STAR FINANCIAL SERVICES, LLC**, Debtor(s).

CHAPTER 7

CASE NUMBER 2:03-bk-37579-TD

NOTE: When using this form to indicate service of a proposed order, DO NOT list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
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The foregoing document described as **DECLARATION OF NON-OPPOSITION RE: TRUSTEE'S APPLICATION TO EMPLOY SUSMAN GODFREY L.L.P. AS SPECIAL COUNSEL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **October 7, 2009** I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

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_Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served):

On **October 7, 2009** I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

The Honorable Thomas B. Donovan - via U.S. MAIL
U.S. Bankruptcy Court – Suite 1352
Roybal Federal Building
255 E. Temple Street
Los Angeles, CA 90012-3332

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III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, 2009, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 7, 2009
Date

Layla Bergini
Type Name

/s/ Layla Bergini
Signature